

Message Text

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SUBJECT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

REF: STATE 218958

1. TRADITIONS OF LAW AND INDIVIDUAL RIGHTS IN THE UNITED KINGDOM ARE WELL-KNOWN AND THEIR LEADING PLACE IN THE DEVELOPMENT OF WESTERN DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS PRACTICES ARE WIDELY RECOGNIZED. AS A MATTER OF GOVERNMENT POLICY, AS WELL AS A REFLECTION OF THE VALUES OF THE BRITISH PEOPLE, THE UNITED KINGDOM CONTINUES TO PRESS FORWARD IN ENSURING BETTER OBSERVANCE OF HUMAN RIGHTS PRACTICES--IN ALL THEIR ASPECTS--, BOTH DOMESTICALLY AND INTERNATIONALLY.

2. LAST YEAR'S REPORT TO CONGRESS OUTLINED THE BASIC LEGAL AND POLITICAL FRAMEWORK WITHIN WHICH THE UNITED KINGDOM DEALS WITH HUMAN RIGHTS MATTERS. FOR THE MOST PART, WE DO NOT SEEK TO DUPLICATE THAT MATERIAL HERE.

3. DESPITE THE LONG TRADITIONS OF THE BRITISH PEOPLE IN MATTERS OF FAIR PLAY, LEGAL SAFEGUARDS, AND INDIVIDUAL RIGHTS, CURRENT ATTENTION TO HUMAN RIGHTS IN
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BRITAIN INEVITABLY CENTERS ON THE SITUATION IN NORTHERN IRELAND. THERE, THE BRITISH GOVERNMENT FACES THE DILEMMA OF MAINTAINING SCRUPULOUS REGARD FOR FAIR ADMINISTRATIVE AND JUDICIAL PROCESSES EVEN WHERE TERRORISTS SEEK TO ABUSE, DISCREDIT, AND DESTROY THOSE PROCESSES.

4. THE BRITISH GOVERNMENT IN 1972 DISCONTINUED THE INTERROGATION TECHNIQUES WHICH WERE THE SUBJECT OF A 1971 CASE BROUGHT BY THE GOVERNMENT OF THE REPUBLIC OF IRELAND BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS. THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACTS OF 1974 AND 1976 REMAIN IN EFFECT THROUGHOUT BRITAIN AND NORTHERN IRELAND. UNDER THE LATTER, POLICE MAY ARREST WITHOUT WARRANT A PERSON SUSPECTED OF INVOLVEMENT IN TERRORISM AND DETAIN HIM OR HER UP TO 48 HOURS ON THEIR OWN AUTHORITY. IN A FORMAL REVIEW OF THE OPERATIONS OF THIS ACT, UNDERTAKEN BY THE LORD SHACKLETON AT THE REQUEST OF THE HOME SECRETARY, AND PUBLISHED IN AUGUST 1978, HE CONCLUDES: QUOTE THE POWERS OF ARREST AND DETENTION IN SECTION 12, INCLUDING THE EXTENDED DETENTION, ARE REGRETTABLY NECESSARY IF THE POLICE ARE TO BE ENABLED ADEQUATELY TO PREVENT ACTS OF TERRORISM OF THE KIND WE HAVE EXPERIENCED...(PARA 136). ALTHOUGH IT IS NOT FOR ME TO JUDGE WHAT MEASURES MAY, IN THE LONGER TERM, BE NECESSARY TO DEAL WITH TERRORISM, I HOPE THAT THE TEMPORARY CONCEPT OF THIS LEGISLATION WILL NOT DIMINISH. IT WOULD BE HIGHLY REGRETTABLE IF THE VIEW WERE TO GAIN GROUND THAT THESE POWERS SHOULD IN SOME WAY SLIDE INTO PART OF OUR PERMANENT LEGISLATION...(PARA 159). END QUOTE.

5. THE STANDING ADVISORY COMMISSION ON HUMAN RIGHTS,
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SET UP BY THE NORTHERN IRELAND CONSTITUTION ACT OF 1973 (PART III) REMAINS SEIZED WITH ITS STUDY OF THE QUESTION WHETHER A BILL OF RIGHTS SHOULD BE RECOMMENDED FOR NORTHERN IRELAND, AND ITS REPORT TO THE BRITISH GOVERNMENT IS STILL AWAITED.

6. THE NORTHERN IRELAND CONSTITUTION ACT OF 1973 PROVIDES THE PRIMARY LEGAL GUARANTEES OF FUNDAMENTAL CIVIL AND POLITICAL LIBERTIES IN NORTHERN IRELAND. THUS IT IS UNLAWFUL UNDER THE ACT FOR ANY EXECUTIVE OR LEGISLATIVE ACTIONS TO BE DISCRIMINATORY ON RELIGIOUS OR POLITICAL GROUNDS. WITH MINOR EXCEPTIONS, THERE ARE NO RESTRICTIONS ON FREEDOM OF SPEECH, RELIGION, OR MOVEMENT IN NORTHERN IRELAND.

7. IN JUNE 1978, AMNESTY INTERNATIONAL ISSUED A REPORT OF ITS MISSION WHICH VISITED NORTHERN IRELAND FROM NOVEMBER 28-DECEMBER 6, 1977. THE MISSION WAS PRIMARILY CONCERNED WITH ALLEGATIONS OF MENTAL AND PHYSICAL MAL-

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TREATMENT BY THE ROYAL ULSTER CONSTABULARY (RUC) OF PERSONS UNDER INTERROGATION AS SUSPECTED TERRORISTS. ON THE BASIS OF CONSIDERING 78 CASES (OF 3444 ARRESTED BY THE RUC AS SUSPECTED TERRORISTS IN 1977) AMNESTY INTERNATIONAL CONCLUDED THAT MALTREATMENT HAD TAKEN PLACE "WITH SUFFICIENT FREQUENCY TO WARRANT THE ESTABLISHMENT OF A PUBLIC INQUIRY TO INVESTIGATE IT." AMNESTY INTERNATIONAL RECOMMENDED THAT FOR REASONS RELATING TO PROTECTION OF SUSPECTS AND POLICE OFFICERS ALIKE THAT A PUBLIC AND IMPARTIAL INQUIRY BE ESTABLISHED TO INVESTIGATE THE ALLEGATIONS OF MALTREATMENT, INCLUDING CONSIDERATION OF THE RULES RELATING TO INTERROGATION AND DETENTION, THE ADMISSIBILITY OF STATEMENTS, AND THE EFFECTIVENESS OF MACHINERY FOR INVESTIGATING COMPLAINTS AGAINST THE POLICE OF ASSAULT DURING INTERVIEWS. PENDING SUCH AN INQUIRY, AMNESTY INTERNATIONAL RECOMMENDED THAT IMMEDIATE STEPS SHOULD BE TAKEN TO ENSURE THAT SUSPECTS ARE PROTECTED AGAINST POSSIBLE MALTREATMENT, INCLUDING SUCH MEASURES AS ACCESS TO LAWYERS AT AN EARLY STAGE IN THE DETENTION.

8. BRITISH AUTHORITIES COOPERATED FULLY WITH THE
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AMNESTY INTERNATIONAL MISSION TO NORTHERN IRELAND. AFTER PUBLICATION OF THE AI REPORT, THE SECRETARY OF STATE FOR NORTHERN IRELAND, MR. ROY MASON, RESPONDED ON BEHALF OF THE BRITISH GOVERNMENT IN A STATEMENT TO THE HOUSE OF COMMONS ON JUNE 8. HE STATED THE BRITISH GOVERNMENT, AS A MATTER OF POLICY, DOES NOT AUTHORIZE AND WILL NOT CONDONE THE ILL TREATMENT OF PERSONS HELD IN CUSTODY. HE NOTED THE CHIEF CONSTABLE OF NORTHERN IRELAND HAS ALSO MADE IT CLEAR THAT SUCH ACTIVITY IS FORBIDDEN AND WILL BE DEALT WITH IN ACCORDANCE WITH THE LAW. MR. MASON CONCLUDED THAT IT IS THE FIRM POLICY OF THE BRITISH GOVERNMENT THAT ALL MEMBERS OF THE SECURITY FORCES IN NORTHERN IRELAND SHALL OPERATE WITHIN THE SPIRIT AND LETTER OF THE LAW LAID DOWN AND REVIEWED PERIODICALLY BY PARLIAMENT.

9. AS FOR THE AMNESTY INTERNATIONAL RECOMMENDATIONS, MR. MASON ANNOUNCED THAT THE BRITISH GOVERNMENT, IN ADDITION TO THE EXISTING CHANNELS FOR HANDLING COMPLAINTS OF IRREGULAR POLICE TREATMENT (I.E., COMPLAINTS FILED WITH THE CROWN'S INDEPENDENT DIRECTOR OF PUBLIC PROSECUTIONS AND THE CONTINUING REVIEW OF RUC PRACTICES BY THE POLICE COMPLAINTS BOARD), WOULD ALSO ESTABLISH AN INDEPENDENT COMMITTEE OF INQUIRY WHOSE FULL REPORT WOULD BE MADE PUBLIC.

10. THE PROBLEM OF PRISON CONDITIONS IN NORTHERN IRELAND, PARTICULARLY AT THE SITE KNOWN AS THE MAZE, HAS ALSO RECEIVED PUBLICITY DURING 1978. THE ISSUE, BASICALLY, IS WHETHER PRISONERS CONVICTED OF "POLITICALLY-MOTIVATED" CRIMES SHOULD BE ENTITLED TO "SPECIAL STATUS" WITHIN THE PRISON. BEGINNING IN 1972, THE BRITISH GOVERNMENT GRANTED SUCH STATUS TO THOSE SERVING LIMITED OFFICIAL USE

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SENTENCES FOR POLITICALLY-INSPIRED VIOLENCE, BUT TERMINATED THIS PRACTICE IN MARCH 1976. PRISONERS SENTENCED AFTER THAT TIME WERE THUS TREATED AS ALL OTHERS IMPRISONED FOR ROUTINE CRIMINAL OFFENSES. HOWEVER, SOME PRISONERS--PRINCIPALLY THOSE WITH PROVISIONAL IRA CONNECTIONS--HAVE PROTESTED THE TERMINATION OF SPECIAL STATUS BY REFUSING TO ABIDE BY PRISON REGULATIONS REGARDING SUCH MATTERS AS PROPER CLOTHING, WORK ROUTINES, AND PERSONAL HYGIENE. THEIR ACTIONS BROUGHT ABOUT RESTRICTIONS ON THE ROUTINE PRIVILEGES GRANTED TO THEM BY PRISON AUTHORITIES WHICH HAVE, IN TURN, BEEN THE SUBJECT OF FURTHER ADVERSE COMMENT BY THE PRISONERS, THEIR ASSOCIATES AND FAMILIES. ALTHOUGH MUCH OF THE PRISONERS' PROBLEMS IN THIS RESPECT HAVE BEEN SELF-INFLICTED, PRISON AUTHORITIES HAVE SOUGHT TO IMPROVE

PHYSICAL CONDITIONS IN THE PRISONS, BUT DECLINE TO REINSTITUTE "SPECIAL STATUS" AS A MATTER OF PRINCIPLE. THIS DECISION IS SUPPORTED BY PARLIAMENT AND BOTH MAJOR POLITICAL PARTIES.

11. THE TRADITIONS OF DUE PROCESS AND CONCERN FOR INDIVIDUAL LIBERTIES AT ALL LEVELS OF THE SOCIETY IS MATCHED IN BRITAIN BY A DEEP AND ABIDING INTEREST IN ECONOMIC HUMAN RIGHTS. A LONG TRADITION OF CONCERN FOR THE UNDERPRIVILEGED AND POOR OF THE SOCIETY HAS IN RECENT DECADES BEEN SUPPLEMENTED BY THE STRONG INFLUENCE OF TRADE UNIONISM AND THE LABOUR PARTY IN BRITISH POLITICS. BUT THE DIFFERENCES BETWEEN THE MAJOR PARTIES

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ARE NO LONGER OVER OBJECTIVES BUT OVER THE MEANS, AND THUS BRITAIN HAS EMERGED AS A LEADING PROPONENT OF THE WELFARE STATE. PUBLIC DISCUSSIONS AND GOVERNMENTAL ACTIONS FROM THE NATIONAL TO THE LOCAL LEVEL EMPHASIZE THE IMPACT OF POLITICAL DECISIONS ON EMPLOYMENT AND THE ENLARGEMENT OF ECONOMIC AND SOCIAL BENEFITS.

12. THUS THE COUNTRY ENJOYS A HEAVY BUT PROGRESSIVE TAX STRUCTURE, EXTENSIVE LEGAL PROTECTION OF INDIVIDUAL AND COLLECTIVE WORKERS' RIGHTS, AND WELL-DEVELOPED SCHEMES FOR OLD AGE AND HEALTH CARE, AND OTHER STATE-SUPPORTED BENEFITS.

13. BRITISH LAW BARS DISCRIMINATION ON THE BASIS OF SEX, RACE, RELIGION, AND ETHNIC ORIGIN.

14. EQUAL STATUS FOR WOMEN IS PROVIDED IN THE SEX DISCRIMINATION ACT OF 1975. THERE IS EQUAL OPPORTUNITY FOR WOMEN IN THE PROFESSIONAL FIELDS, INDEED, THE NEXT PRIME MINISTER COULD BE THE LEADER OF THE CONSERVATIVE PARTY, MRS. MARGARET THATCHER. INFORMAL DISCRIMINATION AGAINST WOMEN DOES NOT APPEAR TO BE WIDESPREAD, ALTHOUGH LIMITED OFFICIAL USE

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BRITISH SOCIETY AS A WHOLE TENDS TOWARDS A MORE RESTRAINED AND LESS MILITANT APPROACH TO EQUAL RIGHTS. THE EXCLUSIVENESS OF SOME TRADITIONALLY MALE SOCIAL AND FINANCIAL INSTITUTIONS IS NOW UNDERGOING CHANGE.

15. THERE HAVE BEEN OCCASIONAL BUT WELL-PUBLICIZED LOCAL DISTURBANCES INVOLVING RACIAL FRICTIONS. BUT THERE ARE EFFECTIVE BARS TO RACIAL DISCRIMINATION IN EMPLOYMENT AND EDUCATION AND THERE IS NO MAJOR DISTINCTION BETWEEN LEGAL NORMS AND PRACTICE IN BRITAIN REGARDING MINORITY RIGHTS. MOREOVER, A FULL PANOPLY OF EFFECTIVE ADMINISTRATIVE AND JUDICIAL REMEDIES IS AVAILABLE TO THOSE WITH GRIEVANCES.

16. THE BRITISH GOVERNMENT'S STRONG COMMITMENT TO THE IMPROVEMENT OF HUMAN RIGHTS PRACTICES BOTH IN BRITAIN AND THROUGHOUT THE WORLD HAS BEEN MADE CLEAR BY BRITISH GOVERNMENT LEADERS. FOR EXAMPLE, SPEAKING IN FEBRUARY 1978, FOREIGN SECRETARY DAVID OWEN STRESSED: QUOTE...THOSE IN THE WEST WHO SEEK TO PUT PRESSURES ON OTHERS IN THE FIELD OF HUMAN RIGHTS SHOULD NOT SHOW ANY RELUCTANCE TO DISCUSS THEIR OWN RECORD IN THESE MATTERS, AND THAT OF THEIR FRIENDS. THE BRITISH GOVERNMENT'S PRACTICE IS TO BE FULLY READY TO LISTEN TO ANY COMMENT FROM OTHERS ON ITS RECORD ON HUMAN RIGHTS MATTERS, TO ACCEPT CRITICISM WHERE IT IS FAIR. AND TO REBUT IT FIRMLY WHERE IT IS UNJUSTIFIED. THIS ATTITUDE WAS MAINTAINED, FOR INSTANCE, THROUGHOUT THE RECENT IRISH STATE CASE BROUGHT AGAINST US BY THE IRISH GOVERNMENT. WE HAVE ALWAYS MADE IT PLAIN THAT IF THE FACTS SHOW US TO BE IN THE WRONG WE ARE WILLING TO ACCEPT THE VERDICT AGAINST US AND TO TAKE ANY NECESSARY REMEDIAL ACTION. END QUOTE.

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